

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA	:	COURT NO: 97-CR-145(02) DRD
Plaintiff	:	
	:	
vs.	:	COLLECTION OF MONEY
	:	
WALDEMAR PEREZ QUINTANA	:	
Defendant	:	
_____	:	

RESPONSE TO MOTION REQUESTING TO INVESTIGATE THE PAYMENTS OF FINE
AND SPECIAL MONETARY ASSESSMENT

TO THE HONORABLE COURT:

NOW COMES the United States of America represented by the undersigned attorneys and respectfully request as follows:

1. The defendant's attorney has filed a motion requesting to investigate the payments of fine and special monetary assessment, to avoid double payment, because the ASPRI vacation money that was seized by the government was "supposed to have been utilized to pay the fine and the special monetary assessment".

2. The Government opposes said contention because the Judgment itself, at page 4 states:

"**The Court will not impose an additional **restitution** as the income from forfeited property and cash recovered by the government is deemed sufficient, taking into consideration defendant's financial condition and the prison sentence imposed."
(Emphasis added)

3. From the judgment it is clear that any money seized in

favor of ASPRI was used to pay restitution to said institution and not to pay the fine nor the assessment imposed by this Honorable Court.

4. In addition, the defendant, in a separate civil forfeiture, case number 00-1486 DRD, will be entering into a stipulation whereby the Government will provide to said defendant the amount of \$35,000 for the defendant's property located at Cidra, Puerto Rico.

WHEREFORE the United States hereby incorporates by reference all the allegations on its previous motions filed (DE # 412, and #414) and again requests for an order addressed to the Clerk of the Court, that from the surety bond monies deposited in Court, to issue a check in the amount of \$10,000.00 and thereafter, any balance left on the surety, be returned to the defendant.

CERTIFICATE:I hereby certify on this date I filed this document via CM/ECF who will automatically notify PARTICIPANT: Veronica Ferraiuoli-Hornedo, Esq. and by regular mail to Atty. Rafael Castro Lang, PO Box 902322, San Juan, PR 00902-3222

At San Juan, Puerto Rico this 29th day of July, 2005.

H.S. GARCIA
UNITED STATES ATTORNEY

S/ REBECCA VARGAS-VERA 203307
ASSISTANT U.S. ATTORNEY
Torre Chardon Suite 1201
350 Chardon St.
Hato Rey, PR 00918
Tel (78) 766-5656

